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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/532,101	04/21/2005	Heon-Sang Ahn	P27779	3930	
7055 759 GREENBLUM &	0 01/26/2007 BERNSTEIN, P.L.C.		EXAMINER		
1950 ROLAND CLARKE PLACE			BASICHAS	BASICHAS, ALFRED	
RESTON, VA 20	191		ART UNIT	PAPER NUMBER	
			3749		
SHORTENED STATUTORY P	ERIOD OF RESPONSE	NOTIFICATION DATE	DELIVER	Y MODE	
3 MONT	HS	01/26/2007	FLECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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	Application No.	Applicant(s)	
Office Assistant Communication	10/532,101	AHN, HEON-SANG	
Office Action Summary	Examiner	Art Unit	
	Alfred Basichas	3749	
The MAILING DATE of this communication appeariod for Reply	pears on the cover sheet with the o	correspondence address	
A SHORTENED STATUTORY PERIOD FOR REPL WHICHEVER IS LONGER, FROM THE MAILING D - Extensions of time may be available under the provisions of 37 CFR 1.1 after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period - Failure to reply within the set or extended period for reply will, by statute Any reply received by the Office later than three months after the mailine earned patent term adjustment. See 37 CFR 1.704(b).	NATE OF THIS COMMUNICATION 136(a). In no event, however, may a reply be tir will apply and will expire SIX (6) MONTHS from e, cause the application to become ABANDONE	N. nely filed the mailing date of this communication. (D) (35 U.S.C. § 133).	
Status			
 Responsive to communication(s) filed on 22 A This action is FINAL. Since this application is in condition for alloward closed in accordance with the practice under A 	s action is non-final. ince except for formal matters, pro		
Disposition of Claims			
4) ☐ Claim(s) 1-8 is/are pending in the application. 4a) Of the above claim(s) is/are withdra 5) ☐ Claim(s) is/are allowed. 6) ☐ Claim(s) 1-8 is/are rejected. 7) ☐ Claim(s) is/are objected to. 8) ☐ Claim(s) are subject to restriction and/or			
Application Papers			
9) The specification is objected to by the Examine 10) The drawing(s) filed on is/are: a) accomposed and applicant may not request that any objection to the Replacement drawing sheet(s) including the correct and the specific properties of the specific proper	cepted or b) objected to by the drawing(s) be held in abeyance. Settion is required if the drawing(s) is ob	e 37 CFR 1.85(a). jected to. See 37 CFR 1.121(d).	
Priority under 35 U.S.C. § 119			
12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of: 1. Certified copies of the priority document 2. Certified copies of the priority document 3. Copies of the certified copies of the priority application from the International Burea * See the attached detailed Office action for a list	ts have been received. ts have been received in Applicati crity documents have been receive u (PCT Rule 17.2(a)).	ion No ed in this National Stage	
Attachment(s) 1) Notice of References Cited (PTO-892)	· 4) 🔲 Interview Summary	(PTO-413)	
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date	Paper No(s)/Mail D		

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DETAILED ACTION

Claim Rejections - 35 USC § 103

- 1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 2. The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:
 - 1. Determining the scope and contents of the prior art.
 - 2. Ascertaining the differences between the prior art and the claims at issue.
 - 3. Resolving the level of ordinary skill in the pertinent art.
 - 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
- 3. Claims 1, 2, 4, 5, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wolter (US2003/0129559) in view of Valentino (5,673,802) and Carpenter (6,554,448). Wolter discloses substantially all of the claimed limitations including, among other things,

^{1.} A cake decorating device, comprising: a base 5,12 on a cake 2; a heating unit 16 mounted to the base to emit heat (inherent that a candle will emit heat); and <u>display</u> provided on a vertical wall of the base <u>and including</u> a previously printed message (see at least figs. 5 and 6).

^{2.} The cake decorating device as defined in claim 1, wherein the heating unit comprises a support plate 5 mounted to an upper surface of the base 12; at least

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one candlestick (see bottom of candle 16) provided on the support plate; and a candle 16 placed on the candlesticks.

- 4. The cake decorating device as defined in claim 1, wherein the heating unit comprises a base 5 having a plurality of locking holes 16a thereon; at least one candlestick 16 having a locking pin (see bottom of candle 16) at a lower surface thereof to be fitted into each of the locking holes of the base; and a candle placed on the candlestick.
- 5. The cake decorating device as defined in claim 1, wherein the heating unit comprises a plurality of candlesticks each provided with a candle, and adhered onto an upper surface of the base.
- 7. The cake decorating device as defined in claim 1, wherein the heating unit comprises a candle-receiving chamber provided on an upper surface of the base; and a candle having a plurality of candlewicks and received in the candle-receiving chamber.

Nevertheless, Wolter does not specifically recite:

having a support pin at a lower surface thereof to be pinned, thermosensitive, wherein heat emitted from the heating unit causes a color change of the message, such that said display displays the message

- a. As regards the support pins, Valentino teaches a cake decorating device including pins 46 that extend into the cake and thereby provide a firm and stable attachment thereof. Accordingly, it would have been obvious to one having ordinary skill in the art at the time of invention to incorporate Valentino's teaching of pins into the invention disclosed by Wolter, so as to provide for a firm and stable attachment thereof.
- b. As regards thermosensitive color change, Carpenter teaches a thermosensitive (i.e., thermochromatic) message that changes color from the heat of a candle 25 so as to provide an esthetically pleasing display (see at least col. 8, lines 3-34). Accordingly, it would have been obvious to one having ordinary skill in the art at the time of invention to incorporate Carpenter's teaching of a color changing thermosensitive message into the invention disclosed by Wolter, so as to provide an esthetically pleasing display.

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4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wolter

(US2003/0129559) in view of Valentino (5,673,802) and Carpenter (6,554,448). Wolter

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discloses substantially all of the claimed limitations

3. The cake decorating device as defined in claim 1, wherein the heating unit comprises a base having a rail groove thereon; at least one candlesticks having a locking part at a lower surface thereof to be fitted into the rail

groove of the base; and a candle placed on the candlesticks.

Official Notice is given that claimed attachment arrangements are old and well known in

the art. Such an arrangement has the clear and obvious benefit of providing for efficient

attachment of various components. Accordingly, it would have been obvious to one of

ordinary skill in the art at the time of the invention to incorporate the claimed

attachments into the invention disclosed by Wolter, so as to provide for efficient

attachment member.

5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wolter

(US2003/0129559) in view of Valentino (5,673,802) and Carpenter (6,554,448), which

combination teaches substantially all of the claimed limitations, but does not specifically

recite:

6. The cake decorating device as defined in claim 1, wherein the heating unit comprises a candle-receiving chamber integrated with the base; and a candle

having a plurality of candlewicks and received in the candle-receiving chamber.

It would have been obvious to one having ordinary skill in the art at the time the

invention was made to have incorporated integral components in the invention disclosed

by Wolter, since it has been held that where constituent parts are combined so as to

constitute a unitary whole, the unitary whole is deemed integral. In re Larson, 144

USPQ 347.

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6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wolter

(US2003/0129559) in view of Valentino (5,673,802) and Carpenter (6,554,448), which

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combination teaches substantially all of the claimed limitations, but does not specifically

recite:

8. The cake decorating device as defined in claim 1, wherein the displaying unit comprises a transfer paper printed by a thermosensitive microcapsule

product.

While the reference may silent as to how the apparatus is manufactured, the prior art

apparatus appears to be the same as claimed. This product-by-process limitation would

not be expected to impart distinctive structural characteristics to the apparatus.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of

the invention to have utilized any process including that which is recited in the claims to

have produced the print.

Response to Arguments

7. Applicant's arguments with respect to the claim have been considered but are

moot in view of the new grounds of rejection.

c. As regards applicant's challenge to the official notice taken by the

examiner of the rail groove arrangement as a means of attaching the candle

sticks to the base, the examiner cites Greenvurcel (5,207,571). As the reference

appears to speak for itself, no further comment is deemed necessary.

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Conclusion

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8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alfred Basichas whose telephone number is 571 272 4871. The examiner can normally be reached on Monday through Friday during regular business hours.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Tech Center telephone number is 571 272 3700.

January 16, 2007